

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	
Petition for Declaratory Ruling to Clarify)	
47 U.S.C. § 572 in the Context of)	WC Docket No. 11-118
Transactions between Competitive Local)	
Exchange Carriers and Cable Operators)	

**REPLY COMMENTS OF THE NATIONAL ASSOCIATION OF
TELECOMMUNICATIONS OFFICERS AND ADVISORS IN RESPONSE TO THE
PETITION FOR DECLARATORY RULING AND CONDITIONAL
PETITION FOR FORBEARANCE**

A review of comments filed in support of the petitions submitted by the National Cable and Telecommunications Association (“NCTA”) does little if anything to undercut the position taken by the National Association of Telecommunications Officers and Advisors (“NATOA”) that Section 652(b) of the Telecommunications Act of 1996 is not ambiguous and needs no clarification by the Commission as to its application to mergers between cable operators and competitive local exchange carriers (“CLECs”). And because the language and applicability of Section 652(b) is clear, there is no reason for the Commission to “clarify” the statute or grant cable operators wholesale forbearance from Section 652(b)’s prohibition against buyouts in every transaction involving cable operators and CLECs.

However, a review of the comments does reveal that commenters exaggerate any deterrent effect that Section 652(b) may have on proposed buyouts involving cable operators and CLECs. Indeed, the *only* specific transaction mentioned by commenters involves Comcast and

CIMCO,¹ the very same transaction which the Commission acknowledges is the *only* prior instance where an applicant has sought a waiver from the prohibitions of Section 652(b). One waiver request does not justify the imposition of a new procedural framework by the Commission. Indeed, to do so would undermine Congressional intent to ensure a local role in the waiver process.² Rather than imposing blanket procedures where the need for same has not been shown, the Commission should examine the circumstances of each proposed buyout and only impose those procedures – if any – to ensure the transaction promotes competition, is in the public interest, meets the needs and convenience of the community, and protects the role of the affected LFAs.

NATOA again urges the Commission to deny NCTA's petition for declaratory ruling and its conditional petition for forbearance. Granting either petition would seriously undercut the Act's goal of promoting competition and would undermine the approval authority granted LFAs by Congress.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Traylor", written in a cursive style.

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¹ For example, *see* Telecommunications Industry Association Comments at 3.

² *See* Public Knowledge Comments at 3-5.